

ESTTA Tracking number: **ESTTA654362**

Filing date: **02/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217521
Party	Plaintiff Washington Storytellers Theatre dba SpeakEasyDC
Correspondence Address	JOHN L CUDDIHY BALLARD SPAHR LLP 1909 K ST NW, 12TH FLOOR WASHINGTON, DC 20006-1157 UNITED STATES tmdocketing@ballardspahr.com, folmarw@ballardspahr.com, cuddi- hyj@ballardspahr.com, faxiot@ballardspahr.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Winston Folmar
Filer's e-mail	tmdocketing@ballardspahr.com, folmarw@ballardspahr.com, cuddi- hyj@ballardspahr.com, faxiot@ballardspahr.com
Signature	/W. Folmar/
Date	02/05/2015
Attachments	Motion for 30-day Suspension.pdf(96565 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION SERIAL NO. 86/096,208

**WASHINGTON STORYTELLERS THEATRE DBA
SPEAKEASYDC,**

Opposer,

v.

**SPEAKEASY COMMUNICATIONS CONSULTING
LLC,**

Applicant.

Opposition No.

91217521

MOTION FOR 30-DAY EXTENSION OF TIME ON ALL DATES

NOW COMES the Opposer, Washington Story Tellers Theatre dba SpeakeasyDC (“Opposer”), by its undersigned counsel, hereby requests a modest thirty (30) day extension of all dates, until **March 29, 2015**, upon which Expert Disclosures will be due. This is Opposer's first motion for an extension of time, and is made for proper purposes and not any purposes of delay.

As background, Opposer would like the Board to know and consider that Opposer’s undersigned counsel took over the representation of Opposer from its prior counsel only in mid-September of 2014. Promptly after assuming the representation, Opposer’s counsel opened a dialogue with the Applicant's counsel, in an effort to resolve the parties' long-standing dispute. To that end, Opposer's counsel took the initiative to prepare the first draft of a settlement agreement, and the parties – again, at Opposer's initiative – have exchanged multiple drafts of that document, and otherwise conferred repeatedly in an effort to resolve their disputes outside of litigation.

Mindful of the Board's schedule for this matter, on Friday, January 30, 2015, undersigned counsel asked Applicant's counsel to consent to a modest 30-day extension of all deadlines in this case,

to allow the parties to focus their efforts in February on settlement, rather than litigation. The parties' counsel exchanged multiple electronic messages on Opposer's request between January 30 and February 5. Earlier today, Applicant's counsel stated that the Applicant would only consent to the requested extension of time if the Opposer first stipulated to a material term in the ongoing settlement negotiations, which, to date, has been in dispute during the parties' settlement communications. Such linkage of a professional courtesy (which benefits both sides) with substantive settlement negotiations is inappropriate, and Applicant will suffer no prejudice from this modest extension of time. Accordingly, Opposer is forced to file this motion – which is its first motion for extension of time – without Applicant's consent.

Opposer respectfully requests that the Board grant the parties a 30-day extension of all upcoming dates, so that the parties may focus their resources this month on a potential settlement of the dispute.

Respectfully submitted,

BALLARD SPAHR, LLP
Attorneys for Applicant
Washington Storytellers Theatre

This 5th day of February, 2015.

By: /W. Folmar/
John L. Cuddihy
Winston Folmar
1909 K Street, NW, 12th Floor
Washington, DC 20006-1157
Tel.: 202.661.2200
Fax: 202.661.2299
E-mail: cuddihyj@ballardspahr.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION SERIAL NO. 86/096,208

**WASHINGTON STORYTELLERS THEATRE DBA
SPEAKEASYDC,**

Opposer,

v.

**SPEAKEASY COMMUNICATIONS CONSULTING
LLC,**

Applicant.

Opposition No.

91217521

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **MOTION FOR 30-DAY EXTENSION OF TIME ON ALL DATES** has been served upon Applicant, by causing a true and correct copy thereof to be delivered in the manner indicated below and properly addressed to the following counsel of record:

<input type="checkbox"/>	By Hand	Joseph A. Bellanca, Esq.
<input type="checkbox"/>	By Facsimile	Hertz Schram, PC
<input checked="" type="checkbox"/>	By US Postal Service (1 st Class)	1760 S. Telegraph Rd., Suite 300
<input type="checkbox"/>	By Overnight Delivery	Bloomfied Hills, MI 48302-0183
<input checked="" type="checkbox"/>	By Email	Tel: 248.335.5000
		E-mail: jbellanca@hertzschram.com

This 5th day of February, 2015

/W. Folmar/